

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1933

AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) This section is subject to IC 10-2-4-3 and IC 10-2-4-3.5.**

(b) Any person who is a duly qualified member of the reserve components of the armed forces, who is a member of the Ready Reserve, who is a member of an organized unit, and who, in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in any one (1) calendar year, leaves a position other than a temporary position in the employ of any employer, and who shall give evidence defining date of departure and date of return for purposes of military training ninety (90) days prior to the date of departure and who shall further give evidence of the satisfactory completion of such training immediately thereafter, and, who is still qualified to perform the duties of such position, shall be entitled to be restored to ~~his~~ **the person's** previous or a similar position with the same status and pay. ~~Provided, That~~ Seniority shall continue to accrue during such period of absence, and such period of absence for military training shall be construed as an absence with leave, and within the discretion of the employer said leave may be with or without pay.

SECTION 2. IC 10-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) This section is subject to**

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IC 10-2-4-3 and IC 10-2-4-3.5.

(b) Any person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training, shall be entitled to a temporary leave of absence from ~~his~~ **the person's** employer, not to exceed fifteen (15) days in any one (1) calendar year. ~~Provided, That~~ Such person is required to provide ~~his~~ **the person's** employer with evidence of the dates of ~~his~~ **the person's** departure and return as soon as practicable ~~prior to his~~ **before the person's** departure, and shall be required to furnish ~~his~~ **the person's** employer upon ~~his~~ **the person's** return evidence of ~~his~~ **the person's** satisfactory completion of such training. Upon ~~his~~ **the person's** return, such person shall be restored to ~~his~~ **the person's** previous, or similar position, with the same status as ~~he~~ **the person** held before leaving for ~~his~~ **the person's** training period. Such leaves may be granted with or without pay within the discretion of the employer.

(c) Any temporary leave of absence so granted shall not affect the rights of the person to vacation leave, sick leave, or other normal benefits of ~~his~~ **the person's** employment.

SECTION 3. IC 10-17-4-1, AS ADDED BY SEA 257-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **This section is subject to IC 10-16-7-5 and IC 10-16-7-6.**

(b) A person who:

- (1) is a qualified member of the reserve components of the armed forces;
- (2) is a member of the Ready Reserve;
- (3) is a member of an organized unit;
- (4) in order to receive military training with the armed forces of the United States not to exceed fifteen (15) days in one (1) calendar year:
 - (A) leaves a position other than a temporary position in the employ of an employer; and
 - (B) provides evidence:
 - (i) defining date of departure and date of return for purposes of military training ninety (90) days before the date of departure; and
 - (ii) of the satisfactory completion of the training immediately after the training is completed; and
- (5) is qualified to perform the duties of the position described in clause (A);

is entitled to be restored to the person's previous or a similar position with the same status and pay.

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~~(b)~~ (c) Seniority continues to accrue during a period of absence described in subsection (a), and the period of absence for military training must be construed as an absence with leave. At the discretion of the employer, the leave may be with or without pay.

SECTION 4. IC 10-17-4-4, AS ADDED BY SEA 257-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This section is subject to IC 10-16-7-5 and IC 10-16-7-6.**

(b) A person who, as a reserve member of the armed forces of the United States, is called upon to receive temporary military training is entitled to a temporary leave of absence from the person's employer not to exceed fifteen (15) days per calendar year. A person described in this section shall:

- (1) provide the employer with evidence of the dates of the person's departure and return as soon as practicable before the person's departure; and
- (2) furnish the employer, upon the person's return, evidence of the person's satisfactory completion of the training.

Upon the person's return, the person shall be restored to the person's previous or similar position, with the same status that the person held before leaving for the person's training period.

~~(b)~~ (c) A leave granted under this section may be granted, with or without pay, within the discretion of the employer.

~~(c)~~ (d) A temporary leave of absence granted under this section does not affect the rights of the person to vacation leave, sick leave, or other normal benefits of the person's employment.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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